

### **REMARKS/ARGUMENTS**

This Amendment is being filed in response to the Final Office Action dated March 25, 2011. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-21 are pending in the Application. Claims 1, 19 and 20 are independent claims.

In the Final Office Action, claims 1-11, 15-19 and 20-21 are rejected under 35 U.S.C. §102(e) over U.S. Patent Publication No. 2004/0083490 to Hane ("Hane"). Claims 12-14 are rejected under 35 U.S.C. §103(a) over Hane in view of "Innovations: [Daily Edition]" by Nicky Blackburn ("Blackburn"). These rejections are respectfully traversed. It is respectfully submitted that the claims are allowable over the prior art references for at least the following reasons.

The claims are amended to clarify that each content item comprises "a preference value and first and second characteristics", as, for example, recited in claim 1. This clarification makes clear that the first and second characteristics are different characteristics in each content item. For example, the first characteristic may be a real name of an actor and the second characteristic may be a name of a character in the movie.

Thus, as was argued in the response to the previous Office Action, the claims recite  
(1) "recommending to the user the content item that correlates with the user preference profile", as, for example, recited in claim 1.

AND, in the absence of this correlation,

- (2) "recommending the content item having at least one first characteristic with an associative correspondence to at least one second characteristic of at least one previously received content item that correlates with the user preference profile", as for example recited in claim 1.

IN accordance with the claims recitation, the alternative recommendation is performed based NOT on the correlation of the content item to user preferences but rather ON correlation of one of its characteristic to a different characteristic of another content item. It is respectfully submitted that Hane does not teach, disclose or suggest "when the content item does not correlate with the user preference profile, recommending the content item having at least one first characteristic with an associative correspondence to at least one second characteristic of at least one previously received content item that correlates with the user preference profile", as recited in claim 1, for example.

At page 14 of the Final Office Action, in addressing the Applicants' argument regarding the alternative recommending, it is asserted that "user's characteristic does play some role in selecting the non-preferred item". It is respectfully submitted that this observation misses the point of the claims recitation and is not at issue. It is further submitted that the Final Office Action fails to provide a reference in Hane that teaches, discloses or suggests "when the content item does not correlate with the user preference profile, recommending the content item having at least one first characteristic with an associative correspondence to at least one second characteristic of at least one previously received content item", as for example recited in claim 1.

An example of this would be recommending the movie "Back to the Future" to a user whose preference profile indicates fondness for Westerns and prior content items included a Western movie "Fistfull of Dollars", in which the main role was played by an actor named Clint Eastwood. In this illustrative example, "Back to the Future" does not correlate with the user preference profile (i.e., Western).

In the presented example, the first characteristic may be the pseudonym name used by the main character Marty, when back in time he meets his "future" mother. The second characteristic may be the name of an actor starring in the movie "Fistfull of Dollars". In this illustrative example, the associative correspondence is that both names are "Clint Eastwood". In accordance with the claims recitation, the movie "Back to the Future" will be recommended even though "the content item does not correlate with the user preference profile" (i.e., "Back to the Future" is not a Western).

With regard to Examiner's arguments, rankings as in Hane are not a portion of the claims recitation. Further, the Final Office Action again failed to point where on the three referenced pages including paragraphs 93-132, Hane describes "recommending the content item having at least one first characteristic with an associative correspondence to at least one second characteristic of at least one previously received content item", as for example recited in claim 1. It is respectfully submitted that this recitation is not taught, described, or suggested by Hane.

Page 4 the Final Office Action states that Hane shows this recitation of the claims in paragraphs [0140], [0148]. This position is respectfully refuted. In fact, Hane uses a keyword to in effect, emphasize components of a user profile for selecting programs.

At page 5, the Final Office Action tries to gleam some sense from why lower ranked programs (i.e., a ranking based on the user profile), may be provided by Hane. This supposition is not supported anywhere within the four corners of Hane since Hane clearly ranks programs based on the relation of the program to a user profile as emphasized by a keyword.

It is respectfully submitted that Hane does not teach, disclose or suggest finding an associative correspondence between a first characteristic of one content item and second characteristic of another content item as a means for recommending a content item when the content item does not correlate with the user preference profile as recited in the present claims. Further, the characteristics compared in the claims are diverse, not similar. The first and second characteristics of the claims are not common content characteristics (e.g., Westerns), they are different as terms first and second indicate.

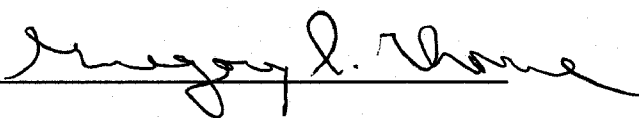
It is respectfully submitted that the claims are not anticipated or made obvious by the teachings of the presented prior art references. For example, Hane does not teach, disclose or suggest, amongst other patentable elements, (illustrative emphasis added) "recommending to the user the content item that correlates with the user preference profile; and when the content item does not correlate with the user preference profile, recommending the content item having at least one first characteristic with an associative correspondence to at least one second characteristic of at least one previously received content item that correlates with the user preference profile", as recited in claim 1, and as substantially recited in each of claims 19 and 20.

Based on the foregoing, the Applicants respectfully submit that the independent claims are patentable and notice to this effect is earnestly solicited. The dependent claims respectively depend from one of the independent claims and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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